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October 25, 2004

Office of General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, DC 20463

MUR # 5613

RE: Massachusetts Republican State Congressional Committee
Federal Election Commission ["FEC"] Identification No. C00042622

Ladies and Gentlemen:

In Accordance with the FEC publication entitled "Filing a Complaint" [published in July 1998 and accessible at <http://www.fec.gov/pages/brochures/complain.shtml>] and in the spirit of Edmund Burke's observation that "The only thing necessary for the triumph of evil is for good men to do nothing.", I hereby complain to the FEC about the operation of the referenced entity ["the Committee"].

SUMMARY

I assert that the Committee has violated Federal Election Campaign Statutes and related FEC Regulations by: (i) failing to disburse funds therefrom in an appropriate amount for legitimate electioneering in connection with the forthcoming election on November 2, 2004 of ten Representatives in Congress from the State of Massachusetts; and (ii) diverting funds therefrom for activities related to the promotion, in the noted election, of various candidates for non-Federal public office in Massachusetts.

BACKGROUND

Massachusetts is unique among the fifty states in our Union in that it alone has no member of Congress [Senator or Representative] that is a member of the Republican Party. This vacuum has allowed the Committee to amass unusual financial strength. To wit, the financial disclosures made to the FEC covering the 1/1/2003-10/13/2004 inclusive time-period indicate that the Committee had received \$3,674,722.16 in Federal contributions during this interval.

These received monies are, in effect, trust-fund assets that belong, in a beneficial sense, to the voters of Massachusetts and that are supposed to be used by various interested parties, including especially the principal campaign committees of U.S. Congressional candidates, to inform [primarily through private media and postal communications] these voters about Federal electioneering in Massachusetts.

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FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

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THE PROBLEM

The problem is that these monies have not been so expended. More specifically:

- * The noted financial disclosures indicate that only \$590.00 of the \$3,674,722.16 was distributed during the 1/1/2003-10/13/2004 inclusive time-period as "Contributions to Fed. Candidates/Committees and other Political Committees". This distribution ratio is so low that it constitutes prima facie evidence of Committee malfeasance.
- * The noted financial disclosures indicate that \$878,674.52 of the \$3,674,722.16 was distributed without proper documentation during the 1/1/2003-10/13/2004 inclusive time-period [see lines 21-31 on Page 2 of the related FEC Form 3X filings]. These unaccounted disbursements must be identified and the character of same must be validated in order to protect the noted voters on behalf of whom such expenditures were supposedly made.
- * The noted financial disclosures indicate that all other Committee expenditures [except for the noted \$590.00] were either spent on Federal fund-raising, transferred to "Affiliated/Other Party Committees" or used to pay for the employee salaries and other expenditures of a non-Federal entity called the Massachusetts Republican State Committee ["the MRSC"]. The MRSC expenditures were made pursuant to a non-specified allocation process which resulted in approximately \$3 Million of Federal funds being diverted from proper Federal campaign activity to improper Massachusetts State, County and possibly Municipal campaign activity. A precision accounting of the diversion is not possible because of the missing disclosure and allocation documentation but such is required in order to secure the noted voter protection.

CONCLUSION

Please resolve the noted problems and then take action as needed to hereafter protect American voters by establishing guidelines for the proper campaign expenditure and expense allocation activity of Federal political committees.

Note, for your information, that the undersigned is a ballot-certified candidate for the office of Representative in U.S. Congress, but that this filing is being done by myself as an individual and independent of my candidacy for a seat in the U.S. House of Representatives.

Subscribed and sworn to before me on this 10th day of November, 2004

Thomas P. Tierney personally appeared
before me, and proved his/her identification through satisfactory
evidence, which were MA License and
acknowledged he/she signed the foregoing instrument voluntarily
for its stated purpose on this 10 day of Nov, 2004
Notary Signature Michelle Antonio

Very truly yours,

Thomas P. Tierney
THOMAS P. TIERNEY

Michelle Antonio
Notary Public
My Commission Expires
May 1 2009

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